THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.8456 OF 2001

Between:

1. K.Adinaryana, s/o late Narayanappadu,
   Aged about 57 years,r/o Vizianagaram,
   Vizianagaram District and 17 others.

....Petitioners

A n d

1. Government of A.P.rep by its Secretary,
   Department of Labour, Secretariat, Hyderabad.

.... Respondents

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ORAL ORDER:

Petitioners, apprehending discontinuance from service on the closure of the second respondent-Consumer Cooperative Stores, have filed this writ petition for a direction to the respondent not to discontinue their services without payment of retrenchment/closure compensation and arrears of salary, as a condition precedent, as allegedly entitled to them under Section 25 FFF of the Industrial Disputes Act, 1947 and for consequential benefits.

Petitioners contend that the second respondent is an industry. If that be so, the petitioners may pursue their remedies before a Tribunal having jurisdiction. Disputed questions as to jurisdictional facts fall for determination; as to whether the second respondent is an industry; whether the petitioners are workmen; and if so whether they are entitled to the benefits of Section 25 FFF of the Industrial Disputes Act, 1947. Such disputed issues are normally not susceptible to adjudication under Article 226 of the Constitution of India. In any event, the petitioners have an effective alternative remedy before the Labour Court/Tribunal specially constituted for the purpose, under the Industrial Disputes Act, 1947.

On the analysis above, the writ petition is dismissed and liberty is preserved in the petitioners to pursue the appropriate alternative remedies. No order as to costs.

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30-08-2005.

Lrkm